

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

ASSIGNED

Date of filing in State Engineer's Office JAN 30 1995
 Returned to applicant for correction FEB 17 1995
 Corrected application filed JUN 09 1995 Map filed JUN 09 1995 under 60874

The applicant Smoky Valley Mining Division, Copper Range Company

P.O. Box 480

Street and No. or P.O. Box No.

of Round Mountain,

City or Town

Nevada 89045

State and Zip Code No.

hereby make application for permission to change the

Point of Diversion and Place of Use of a Portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 52083

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

- The source of water is Underground
Name of stream, lake, underground spring or other source.
- The amount of water to be changed 2.0 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Mining, Milling, & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for Mining, Milling & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 21, T 10 N, R 43 E, MDB&M, at a point from which the E $\frac{1}{4}$ corner of Sec. 21 bears S 56°01'14" E a distance of 3063.84 feet; (existing point of diversion for Permit No. 51578).
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.
- The existing permitted point of diversion is located within The NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 20, T 10 N, R 43 E, MDB&M, at a point from which the NE corner of said Sec. 20 bears N 84°51'46" E a distance of 1841.30 feet.
If point of diversion is not changed, do not answer.
- Proposed place of use Sec. 17, 18, 19, 20, 29, & 30, T 10 N, R 44 E, MDB&M; (portions unsurveyed) and Sec. 13, 14, 15, 23, 24, 25, 26, 35, & 36, T 10 N, R 43 E, MDB&M; and Sec. 1 & 2, T 9 N, R 43 E, MDB&M.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
- Existing place of use Sec. 13, 23, 24, 25, & 26, T 10 N, R 43 E, MDB&M; and Sec. 17, 18, 19, 20, 29, & 30, T 10 N, R 44 E, MDB&M, (portions unsurveyed)
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
- Use will be from Jan. 1st to Dec. 31st of each year.
Month and Day Month and Day
- Use was permitted from Jan. 1st to Dec. 31st of each year.
Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Existing well and diversion works, 450 feet deep, 18-inch casing, Johnston vertical turbine pump and 400 H.P. motor.
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
- Estimated cost of works \$5,000.00
- Estimated time required to construct works 1 (one) year

14. Estimated time required to complete the application of water to beneficial use 2 (two) years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

By Lowell D. Emery, SWRS
s/Lowell D. Emery
P.O. Box 1873
Fallon, Nv. 89407
Compared jk/sm cl/cms
Protested _____

APPROVAL
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 52083 is issued subject to the terms and conditions imposed in said Permit 52083 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

Any well drilled under Permit 52083 shall be plugged in accordance with the Nevada Administrative Code, Chapter 534.420, "Regulations for Water Well and Related Drilling" within 60 days from the issuance of this permit.
(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.0 cubic feet per second, but not to exceed 1,448.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before May 26, 1997
Proof of completion of work shall be filed before June 26, 1997
Application of water to beneficial use shall be made on or before May 26, 1998
Proof of the application of water to beneficial use shall be filed on or before June 26, 1998
Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed NOV 03 1998
Proof of beneficial use filed _____
Cultural map filed _____
Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, Michael Turnipseed, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this 22nd day of July,
A.D. 19 98
Michael Turnipseed P.E.
State Engineer

(PERMIT TERMS CONTINUED)

The State Engineer will retain the right to require additional monitoring of the water levels in observation and monitor wells and of the flow rates of surface sources. The permittee, on a schedule acceptable to the State Engineer, shall prepare and present an update on the activities of the mine and the monitoring on a periodic basis, but not less than two times per year.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate land.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

The total combined duty of water for consumptive purposes under Permits 536; 1077, Certificate 267; 2908, Certificate 353; 3898, Certificate 2347; 12442, Certificate 3831; 12445, Certificate 3832; 12768, Certificate 3751; 14119, Certificate 4889; 26650, Certificate 13904; 26652, Certificate 13905; 44297; 44299; 44300, Certificate 13174; 50971; 51577; 51578; 53365; 55498; 55500; 55501; 55502; 55503; 59217; 59218; 60874; 60875; 60876; 61086-T; 61087-T; 61565-T; 61566-T; 61567-T; 61568-T; 61791-T; 61863-T; 62040-T; 62184-T and 62185-T shall not exceed 13,910.0 acre-feet annually.

A monthly report shall be submitted to the State Engineer within 15 days after the end of each calendar quarter which shall include: (A) The volume of water pumped from each well, (B) The measurement of pumping water level (drawdown) from each production, dewatering and monitoring well, (C) The volume of water consumptively used for mining and milling uses projectwide, (D) The volume of water used for dust control purposes projectwide, and (E) The amount of water discharged for infiltration.

The State Engineer retains the right to regulate pumping from groundwater withdrawals herein authorized to protect the public interest and existing rights.

All of the above stated conditions are subject to having no adverse impacts on existing rights.

